

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MERWYN LEVERING,

Defendant.

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CASE NO. 8:04CR178

ORDER

This matter is before the Court on the Motion to Vacate and Correct Sentence Under 28 U.S.C. § 2255 (Filing No. 119) (“§ 2255 Motion”) filed on behalf of the Defendant, Merwyn Levering. Also before the Court is the Defendant’s Motion for Release Pending Hearing on Defendant’s Petition for Habeas Corpus (Filing No. 121). The Defendant has filed these motions seeking relief under two Supreme Court decisions, *Johnson v. United States*, 135 S. Ct. 2551 (2015), and *Welch v. United States*, No. 15-6418. The Court has reviewed both motions and will order that the United States Attorney file a response to the Defendant’s motions.

Accordingly,

IT IS ORDERED:

1. On or before May 10, 2016 The United States shall:
 - a. File an Answer to the Defendant’s § 2255 Motion (Filing No. 119) and support its Answer with a brief;
 - b. File a response to the Defendant’s Motion for Release Pending Hearing on Defendant’s Petition for Habeas Corpus (Filing No. 121); and
2. On or before May 20, 2016, the Defendant may file a responsive brief.

DATED this 20th day of April, 2016.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge